

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

:

DANIEL B. GRAVES,

:

Plaintiff,

07 Civ. 5471 (BSJ)

:

- against -

:

DEUTSCHE BANK SECURITIES INC.,

:

**AFFIRMATION OF CLIFF  
FONSTEIN IN SUPPORT OF  
DEFENDANT'S CONSENTED  
MOTION FOR LEAVE TO FILE  
DOCUMENTS UNDER SEAL**

:

Defendant.

:

----- X

CLIFF FONSTEIN, an attorney at law duly admitted to practice before the Courts of the State of New York, hereby affirms the following under penalty of perjury:

1. I am a member of the bar of this Court and a member of Seyfarth Shaw LLP, counsel for Defendant Deutsche Bank Securities Inc. ("DBSI"). As such, I am familiar with the facts and circumstances of the instant action.

2. This case involves allegations of discrimination in the context of investment banking.

3. DBSI has filed concurrently herewith a Consented Motion for Leave to File Documents Under Seal (the "Motion").

4. DBSI has moved, with the consent of the plaintiff, for leave to file under seal its unredacted Statement in Opposition to Plaintiff's Statement of Material Facts as to Which There is No Genuine Issue to be Tried ("Defendant's Statement").

5. Defendant's Statement quotes each paragraph of plaintiff's Statement of Material Facts Not in Dispute (Dkt. No. 144), and then responds. Plaintiff redacted text in several paragraphs of his Statement of Material Facts Not in Dispute. Defendant's

Statement is redacted only to the extent that it quotes text that plaintiff redacted in his Statement of Material Facts Not in Dispute, which redactions are the subject of plaintiff's own Motion for Leave to File Documents Under Seal. (Dkt. 148.)

6. DBSI's Motion seeks to file under seal six documents attached to the Affirmation of Cliff Fonstein in Support of DBSI's Opposition to Plaintiff's Motion for Partial Summary Judgment and Statement of Material Facts to Which There is no Genuine Issue to Be Tried (the "Fonstein Aff.").

7. Some of the documents to be filed under seal concern the performance evaluations, compensation, or personal identifying information of present or former employees of defendant who are not parties to this action, and involve their right to privacy.

8. Some of the documents to be filed under seal involve information about individuals and corporations actually or potentially doing business with defendant, with evaluations of their prospects, management teams, and finances. None of these individuals or corporations are parties before the Court.

9. Exhibit C to the Fonstein Aff. are cited pages from the transcript of the deposition of Jeffrey Amling. Testimony regarding DBSI revenues received and work done on behalf of particular clients has been redacted from the deposition transcript.

10. Exhibit E to the Fonstein Aff. is a chart that contains personal identifying information about non-party employees at DBSI.

11. Exhibit H to the Fonstein Aff. is a document that contains DBSI's proprietary financial and confidential business information, including an analysis of clients and business prospects.

12. Exhibit I to the Fonstein Aff. is a chart that contains information about present and former clients of DBSI including confidential information about work performed for and fees paid by these clients to DBSI.

13. Exhibit J to the Fonstein Aff. is a document that contains proprietary financial and confidential business information, including an analysis of clients and business prospects. In addition, it includes information about non-party employees' performance evaluations and revenue earned.

14. Exhibit K to the Fonstein Aff. is a chart that includes personal identifying information about DBSI's employees and confidential information about non-party employees' termination of employment.

15. Plaintiff has authorized DBSI to represent that he has no objection to this Motion.

Dated: New York, New York  
July 9, 2012

SEYFARTH SHAW LLP

By: s/ Cliff Fonstein  
Cliff Fonstein  
Nicholas H. De Baun  
620 Eighth Avenue  
New York, New York 10018  
(212) 218-5500

Attorneys for Defendant  
Deutsche Bank Securities Inc.

**Certificate of Service**

I certify that I have, this 9th day of July, 2012, served a true and correct copy of the Affirmation of Cliff Fonstein in Support of Defendant's Consented Motion for Leave to File Documents Under Seal on counsel of record for plaintiff, as shown below, by service through the Court's ECF system:

Richard T. Seymour  
Law Office of Richard T. Seymour, P.L.L.C.  
Suite 900, Brawner Building  
888 17th Street, N.W.  
Washington, DC 20006-3307  
[rick@rickseymourlaw.net](mailto:rick@rickseymourlaw.net)  
(202) 785-2145 – Telephone  
(202) 549-1454 – Cell  
(800) 805-1065 – Telecopier

Dated: New York, New York  
July 9, 2012

SEYFARTH SHAW LLP

By: /s/ Cliff Fonstein  
Cliff Fonstein  
Nicholas H. De Baun  
620 Eighth Avenue  
New York, New York 10018  
(212) 218-5500

Attorneys for Defendant  
Deutsche Bank Securities Inc.